**UNITED NATIONS** **A**

**General Assembly**

Distr.
GENERAL

A/49/234
25 October 1994

ORIGINAL: ENGLISH

Forty-ninth session

REQUEST FOR THE INCLUSION OF AN ADDITIONAL ITEM IN THE AGENDA OF THE FORTY-NINTH SESSION

CAPITAL PUNISHMENT

Letter dated 21 October 1994 from the Permanent Representatives of Cambodia, Guinea-Bissau, Honduras, Italy and Malta to the United Nations addressed to the Secretary-General

Upon instructions from our Governments, we are writing to request, in accordance with rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the forty-ninth session of the General Assembly of an additional item of an important and urgent character entitled "Capital punishment".

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum and the text of a draft resolution are attached to the present letter.

(Signed) F. Paolo FULCI
Permanent Representative of Italy
to the United Nations

(Signed) Joseph CASSAR
Permanent Representative of Malta
to the United Nations

(Signed) Boubacar TOURE
Permanent Representative of the
Republic of Guinea-Bissau
to the United Nations

(Signed) Gerardo MARTINEZ BLANCO
Permanent Representative of Honduras
to the United Nations

(Signed) SISOWATH Sirirath
Permanent Representative of the
Kingdom of Cambodia to the
United Nations

ANNEX

Explanatory memorandum

Since the adoption of the Universal Declaration of Human Rights, the United Nations has shown a continuing interest in the study of the question of capital punishment, with a view to promoting full respect for everyone's right to life, and has taken various initiatives aiming at reaching the ultimate goal of abolishing the death penalty in all countries. Among these is General Assembly resolution 44/128 of 15 December 1989, by which the Assembly adopted the Second Optional Protocol to the International Covenant on Civil and Political Rights.

The question of capital punishment has become particularly urgent in recent times, in view of the continuing high number of death sentences and executions in various parts of the world. On 4 October 1994, the Parliamentary Assembly of the Council of Europe adopted a resolution in which it underlined this urgency and asked all States that had not yet abolished capital punishment to do so rapidly. We also would like to recall the resolution adopted by the European Parliament on 12 March 1992 pointing in the same direction.

In accordance with such a line, our countries have decided to promote appropriate action within the United Nations, aiming at contributing to an eventual abolition of capital punishment. This initiative reflects the sentiments of the overwhelming majority of our peoples, who are firmly opposed to the imposition of the death penalty anywhere in the world.

Therefore, we would like to request the inclusion of the question of capital punishment in the agenda of the forty-ninth session of the General Assembly, and to this end submit the attached draft resolution.

In our view, the Third Committee is the most appropriate forum in which to consider the question of capital punishment. We therefore recommend that the proposed item be assigned to the Third Committee.

APPENDIX

Draft resolution

The General Assembly,

Recalling article 3 of the Universal Declaration of Human Rights, which affirms everyone's right to life,

Recalling its resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977, as well as resolution 44/128 of 15 December 1989, by which it adopted the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

Recalling also Economic and Social Council resolutions 1574 (L) of 20 May 1971, 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1985/33 of 29 May 1985, 1990/29 of 24 May 1990 and 1990/51 of 24 July 1990,

Deeply concerned about the fact that capital punishment is still retained and used for ordinary crimes by a consistent number of Member States and that several countries impose the death penalty in disregard of the safeguards provided in the International Covenant on Civil and Political Rights for juveniles and pregnant women,

Commending the fact that both in the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law committed in the Territory of the Former Yugoslavia since 1991, established by the Security Council in its resolution 827 (1993) of 25 May 1993, and in the draft statute for an international criminal court, elaborated by the International Law Commission, capital punishment is excluded from the penalties that these courts are authorized to impose,

Believing that abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights,

1. Calls upon all Governments in a position to do so to consider signing and ratifying or acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights;

2. Invites all States, referring to its resolutions 2857 (XXVI) and 32/61, to consider the progressive restriction of the number of offences for which the death penalty may be imposed and the exclusion of juveniles and pregnant women from capital executions;

3. Encourages all Member States to consider the opportunity of introducing the necessary amendments in their legislation with a view to the desirability of abolishing the death penalty in all countries, thus promoting full respect for everyone's right to life, as well as for the expectation of every human being not to be killed following a legal sentence or judicial measure;

4. Also encourages all States to consider the opportunity of instituting moratoria on pending executions, with a view to ensuring that the principle that no State should dispose of the life of any human being is affirmed in every part of the world by the year 2000.

---